



# UNITED STATES PATENT AND TRADEMARK OFFICE

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| APPLICATION NO. | FILING DATE | INVENTOR NAME (INVENTOR) | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|--------------------------|---------------------|------------------|
| 09/751,516      | 12/29/2000  | Venkatesh Murthy         | 42360PL/Govt        | 884              |

Small Business Set-aside Fee

BLAKELY SOKOLOFF TAYLOR & ZAFMAN  
12400 WILSHIRE BOULEVARD, SEVENTH FLOOR  
LOS ANGELES, CA 90025

EXAMINER

KIANNI KAVELIC

ARTICLE PAPER NUMBER

2871

DATE MAILED 09/10/2002

Please find below and or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/751,516

Applicant(s)

MURALI. VENKATESAN

Examiner

Kevin C Kianni

Art Unit

2877

Period for Reply

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a) in an event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_\_
- 2a) ☐ This action is **FINAL**.
- 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☒ Claim(s) 1-30 are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner. If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of.
- 1) ☐ Certified copies of the priority documents have been received.
- 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_ (provisional application).
- 3) ☐ Copies of the certified copies of the priority documents have been received in Application No. \_\_\_\_\_ (provisional application).
- \* See the attached detailed Office action for a list of the certified copies not received from the International Bureau (PCT Rule 17.2(a)).

- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 120.
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 120.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO 1449) (Paper No(s) \_\_\_\_\_)
- PTO-326 (Rev. 04-01)

Office Action Summary

Period of Paper No(s)

## DETAILED ACTION

### *Election/Restrictions*

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
  - I. Claims 1-10, drawn to first and second substrate each having a hole, wherein each hole is being inserted by a transparent material, classified in class 385, subclass 50.
  - II. Claims 11-16 and 24-30, drawn to etching a first hole and second hole in the first and second substrate, consecutively and lithographically aligning first to second substrate and attaching the first to second substrate, classified in class 385, subclass 129.
  - III. Claims 17-23, drawn to depositing core material on a first substrate; and patterning it with a mask and etching the patterned core material and depositing a cladding layer on the core material, classified in class 385, subclass 131.

The inventions are distinct, each from the other because of the following reasons:

Inventions II/III and I are related as process of making and product made. The inventions are distinct if either or both of the following can be shown: (1) that the process as claimed can be used to make other and materially different product or (2) that the product as claimed can be made by another and materially different process (MPEP § 806.05(f)). In the instant case Group I claims can be made by different process such as by grinding (instead of etching) and by molding (instead of depositing).

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Because these inventions are distinct for the reasons given above and the search required for Group I is not required for Groups II and III, restriction for examination purposes as indicated is proper.

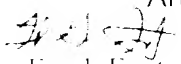
2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin C Kianni whose telephone number is (703) 308-1216. The examiner can normally be reached on 9:30-18.00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Frank Font can be reached on (703) 308-4881. The fax phone numbers for the organization where this application or proceeding is assigned are (703)308-5401 for regular communications and (703) 308-5401 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 305-4770.

Kevin C Kianni  
Examiner: Kianni  
Art Unit 2877

Kevin Cyrus Kianni  
Patent Examiner  
Group Art Unit 2877

  
Frank Font  
Supervisory Patent Examiner  
Group Art Unit 2877

August 26, 2002